

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA, <i>Plaintiff,</i>	§	
	§	
	§	Civil Action No. 4:19-cv-415
v.	§	Judge Mazzant
	§	
ALEXANDRU BITTNER, <i>Defendant.</i>	§	
	§	
	§	
	§	

**ORDER**

Pending before the Court are the Patels’ Motion for Leave to File an Amicus Brief in Support of Alexandru Bittner’s Motion for Partial Summary Judgment and for Leave to Exceed the Page Limits (Dkt. #32) and Motion for Leave to File an Amicus Reply Brief in Support of Defendant Alexandru Bittner and for Leave to Exceed Page Limits (Dkt. #57). After consideration, the Court finds that both motions (Dkts. #32; #57) should be **GRANTED**.

It is solely within the district court’s broad discretion to permit an amicus curiae to participate in a pending action. *See Okechuku v. United States*, No. 3:19-CV-1005-B-BT, 2019 WL 6497876, at \*1 (N.D. Tex. Dec. 3, 2019) (quoting *Sierra Club v. Fed. Emerg. Mgmt. Agency*, No. H-07-0608, 2007 WL 3472851, at \*1 (S.D. Tex. Nov. 14, 2007)) (quoting *Waste Mgmt. of Pa., Inc. v. City of York*, 162 F.R.D. 34, 36 (M.D. Pa. 1995)). “There are no strict prerequisites that must be established prior to qualifying for amicus status; an individual seeking to appear as amicus must merely make a showing that his participation is useful to or otherwise desirable to the court.” *United States v. Davis*, 180 F. Supp. 2d 797, 800 (E.D. La. 2001) (citing *Leigh v. Engle*, 535 F. Supp. 418, 420 (N.D. Ill. 1982); *cf. New England Patriots Football Club, Inc. v. University of Colorado*, 592 F.2d 1196, 1198 n.3 (1st Cir. 1979)).

The Court recognizes that both the Government and Mr. Bittner oppose the Patels' participation in this action as an amicus curiae. This is a case of first impression in the Fifth Circuit, however, and the Court has an interest in "insuring a complete and plenary presentation of difficult issues so that [it] may reach a proper decision." *Newark Branch, N.A.A.C.P. v. Town of Harrison, N.J.*, 940 F.2d 792, 808 (3d Cir. 1991).

Because the Court is of the opinion that the Patels' proposed amicus brief will assist it in its consideration of the issues in this case, the Patels' Motion for Leave to File an Amicus Brief in Support of Alexandru Bittner's Motion for Partial Summary Judgment and for Leave to Exceed the Page Limits (Dkt. #32) and Motion for Leave to File an Amicus Reply Brief in Support of Defendant Alexandru Bittner and for Leave to Exceed Page Limits (Dkt. #57) are hereby **GRANTED**.

The Patels' amended amicus brief (Dkt. #34) and their amicus reply brief (Dkt. #58) are deemed filed.

**IT IS SO ORDERED.**

**SIGNED this 11th day of May, 2020.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE